

FILED**SEP 20 2019**SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
SAN JOSE OFFICE

JUNJI SUZUKI (SBN 184738)
 junji@marshallsuzuki.com
 MARSHALL SUZUKI LAW GROUP, LLP
 230 California Street, Suite 415
 San Francisco, CA 94111
 Telephone: (415) 618-0090
 Facsimile: (415) 618-0190
 Attorney for Applicant,
 Medical Incorporated Association Smile Create

UNITED STATES DISTRICT COURT**NORTHERN DISTRICT OF CALIFORNIA****VKD**

In re Ex Parte Application of

CV-19 80230 MISCMEDICAL INCORPORATED
ASSOCIATION SMILE CREATE,

Applicant.

**DECLARATION OF ANDREW S.
 BARTLETT IN SUPPORT OF EX PARTE
 APPLICATION FOR ORDER PURSUANT
 TO 28 U.S.C. § 1782 PERMITTING
 DISCOVERY FOR USE IN FOREIGN
 PROCEEDING**

By Fax

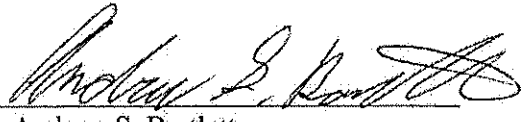
I, Andrew S. Bartlett, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California. I am an attorney at law at Marshall Suzuki Law Group.
2. I translated Exhibit A attached hereto and also attached to the declaration of Yuichi Funakoshi concurrently submitted herewith from Japanese to English.
3. Exhibit B attached hereto is a true and correct English translation of Exhibit A described above. I am qualified to translate from Japanese to English because I can read, write, understand and speak both Japanese and English fluently.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: 9/20, 2019

By:


 Andrew S. Bartlett

-Page 1 of 1-

In re Ex Parte Application of Medical Incorporated Association Smile Create

Declaration of Andrew S. Bartlett in Support of Ex Parte Application for Order pursuant to 28 U.S.C. § 1782
 Permitting Discovery for Use in Foreign Proceeding

Exhibit A

神宮前矯正歯科

矯正歯科
神宮前3丁目
場所の詳細



ああ

歯医者さん 4 か月前

今は詳しくは書けませんが、milky wayさんと似た状況です。
本当にここはやめた方がよい。
しかも装置を外した歯は虫歯だらけ。

自分だけだと思っていましたが、ここを見て同じように思っている人が他にもいることを知りびっくりです。

毎回歯のクリーニングをすることになっているのですが、面倒なのかサボる衛生士が複数いるのもモヤモヤします。

医師に矯正についてこちらの意見を言っても、否定や言い訳(?)をされることが多く参っています。
ああ言えばこう言うという感じで、患者の意見は受け入れません。
病院側も譲りはなかなか認めません。

診察の予約も混み合っていて取りづらくです。
新患入れすぎだと思います。
1ヶ月~1ヶ月半先になるのはざらですね。

院内に複数の医師がいるので、それによって当たりはずれがあり評価が分かれてる部分はあるようです。

神宮前矯正歯科

矯正歯科

神宮前3丁目

場所の詳細



ああ

★ 歯医者さん 6か月前

あまり良い矯正歯科医院ではないです。

スマイルクリエーターなる歯科衛生士多数がいますが劣悪な対応(タメ口を使用する、高圧的に接客する、意図的に矯正装置を適当に付けた)をするスマイルクリエーターの方がいます。

また医院長先生も矯正器具をセットした際は大雑把に見る(矯正装置が不完全な状態で確認をとられた)ことと非常に簡単な状況説明をされるだけです。

スマイルクリエーターの方はお客様を見て対応を変えている印象を持ちました。

離職率が高く人の入れ替わりが激しい歯科医院です。裏側の矯正とネットの評判が良かったため決定しましたが間違いだったと思っています。

神宮前矯正歯科

矯正歯科
神宮前3丁目
場所の詳細



ほやほやっこ

★ ★ ★ ★ ★ 6か月前

現在通院中です。クチコミを見て、私と同じ想いの人もあるのだと知り書き込みをしようと思いました。

歯科衛生士さんがワイヤーの調整をしていること、私もずっともやもやしていました。

この前は部屋に入った瞬間すぐに歯科衛生士さんによるワイヤー交換が始まり驚きました。

普通は歯の現状を先生に見てもらい、そのあとにワイヤー交換をするのではないですか？

やはり新規の人を入れる事ばかり考えていて、契約した人に大してはズボラな気がします、

カウンセリングでいいなと思い、期待を込めて、それから病院を信じて高額払っています。これから改善してもらえるといいなと思います。

それから私もワイヤーが歯の粘膜に刺さり次の調整までずっと痛い思いをした事があります。

ワイヤー調整している時にずっとワイヤーが粘膜に刺さっている事もありました。痛みには耐えましたがその後炎症を起こし結局歯医者に行き処置をしてもらいました。詳しくは書きませんが、結構酷い炎症でした。

本当に、次はどんな痛いことがあるのかと毎回不安です。時々歯が痛むので虫歯もできてそうですが、とくに虫歯チェックはしていないと思います。

あと院長先生には初回カウンセリングで会ったっきりです。これも謎です。。

不信感が拭えません。。

高額払ってガタガタのまま終了したらと思うと。。

正直、どうしてこんなに高評価ばかりなのか不思議でした。

たしかにみなさんの人柄は良いのですが。

今後に期待させてください。。

気持ちに変化が起きたらこのクチコミは削除させていただきます。

神宮前矯正歯科

矯正歯科

神宮前3丁目

場所の詳細



milky way

★ ★ ★ ★ ★ 6か月前

現在も矯正のためにここに通ってますが、絶対にお勧めできない矯正歯科です。値段が高だけで、何もいいことはありません。やめた方がいいです。

まず、予約が全くとれません。1カ月半～2カ月とれないのは当たり前。当然ながら、都合が悪くなって予約のとりなおしも簡単にはできず、またそこから1カ月半以上待つほめになります。予約取れない混雑状況のくせに新患をどんどん契約して、予約取れない状況を改善しようともせず、ほんと金儲けのことしか考えていない。

矯正はじめて2年。「もうすぐ装置外します」と先生に言われましたが、自分的にはあまりきれいな歯並びになっておらず納得いかなかったので、他院でセカンドオピニオンで相談に行ったところ、「こんながちゃがちゃな状態で装置外して終了するなんてありえないです」と言われました。150万払って他の医者も驚くようなこんな汚い歯並びのまま矯正を終了される患者の気持ち考えないのでしょうか。

そもそも装置の取り付けや取り外し、メンテナンス、ワイヤー交換など麻酔注射以外のほぼすべての作業は、担当医ではなく歯科衛生士？がやります。歯科医は最後に数分様子みて、治療の状況を説明してくれるだけ。歯科衛生士がほぼ矯正作業を行うということも、最初のカウンセリング時に説明は一切ありませんでした。知っていたらこの歯科で矯正はしませんでした。歯科衛生士のレベルもピンキリ。色々なことが雑で下手な人も多々います。また、床に落ちた器具を患者が気づいてないと思ったのでしょ、そのまま使うような方もいます（床に落ちた器具をそのまま口に入れられました。）

とにかくあげたらきりがいい程、不満・不信感しかありません。有名だからっていいとも限らないです。

神宮前矯正歯科

矯正歯科

神宮前3丁目

場所の詳細



k ta

★★★★★ 6か月前

他の方も書かれていますが、本当に言い方と態度が冷酷で酷い。医者には患者のせいにするような嫌味な言い方をされたり、ボソボソ感じの悪い話し方をする衛生士さん？もいたり、大金払っている患者をなんだと思っているのでしょうか。処置そのものも数年間で我慢してきたことがたくさんあります。一本何万もするネジを打たれ、その後すぐにグラついたり、調整する方の技術が低すぎるのかワイヤーが口内に刺さりまくりでそれも長時間かかり、かなり苦痛でした。ここに来ることがかなりのストレスです。また歯が痛いと言っても矯正に伴うものだから心配ないと言われたのにワイヤーを外して他の歯医者に行ってみると虫歯が神経まで達していると言われ神経を抜くことになったり。予約も全然取れません。これから矯正始める方、よく他院と比較した方がいいと思います。

Exhibit B

Display name: ああ

I can't really talk about it in details right now, but my situation is similar to milky way's. You should really avoid this place.

And the teeth with braces were covered in cavities when the braces were taken off.

I thought I was the only one, but I was surprised to see that there were other people on here who feel the way I do.

I'm always supposed to get my teeth cleaned when I go here, but I'm a little perturbed by how many of the hygenists seem to be too lazy to do the cleaning.

When I offer the dentist my opinions on the braces, they just shut me down or make excuses (?), which really bothers me.

If I say one thing, they'll say another, and they won't listen to what the patient has to say.

The dental office also tends to refuse to acknowledge when they've made a mistake.

It's also hard to get an appointment because they're always booked.

I think they accept too may new patients.

It's pretty common that I'd have to set my appointment out 1 to 1 ½ months into the future.

There are multiple dentists at this office, some good and some bad, so opinions seem to differ a lot based on which dentist a patient gets.

Display name: ああ

This is not a very good orthodontists' office.

The Smile Creators have a number of dental hygienists, but some of the Smile Creators treat their patients quite badly (using impolite language, employing high-pressure sales tactics, intentionally installing braces in a haphazard manner).

Furthermore, the chief orthodontist does not take much care in examining braces once they've been set (they did their confirmation when the braces were not yet fully installed), and only provides very simple explanations about what's going on.

I get the feeling that the people at Smile Creators change their attitudes depending on the patient.

This office has a high rate of turnaround in its employees, so people frequently leave and come in. I had heard good things about them on the internet, and that they are good at implanting lingual braces so I chose this office, but I believe I made a mistake.

Display name: ほやほやっこ

I currently go here for treatment. Seeing other people express the same feelings in their online reviews that I had about this place, I decided to make a review of my own.

When the dental hygienist was making wire adjustments, I felt very nervous throughout the whole process.

Last time I went, I was shocked when the hygienist began changing out the wires as soon as I entered the room.

Isn't the orthodontist first supposed to check how the teeth are doing before the wires are swapped out?

I get the feeling that they spend all their time trying to attract new clients, and are fairly inconsiderate of their existing clients.

I had a good feeling about them during counseling, had high hopes, and paid them big sums of money trusting in them. I really hope they will improve their practice in the future.

The wires for my braces also pierced into my gums at one point, and I remember being in pain until my next adjustment.

There was also a time when the wires pierced my gums all while the wires were being adjusted. I endured the pain, but the gums became inflamed, so I ended up having to get the problem treated at a dentist's office. I won't go into details, but the inflammation was fairly severe.

Every time I go, I can't help but worry about what kind of pain I'm going to experience while being treated.

My teeth hurt on occasion, so I think I have some cavities too, but I don't think they've ever checked for any.

I've also only met the chief orthodontist during my first counseling session. This is also a mystery to me...

I can't help but be suspicious of this office.

I can't imagine how I'd feel if my teeth were still a mess after spending this much money on treatment.

To be honest, I was curious as to why so many people gave this place such good reviews.

Though I admit the people there are quite nice.

I really hope they improve in the future.

If I ever change my mind about this place, I will delete this review.

Display name: milky way

I still go here for work on my braces, but I cannot in good conscience recommend them to anyone else. They charge high fees, and nothing good comes from them. You should avoid this place.

First, I can never schedule an appointment. The wait is typically 1 ½ to 2 months. And it goes without saying that rescheduling when something comes up is really difficult to do, and you usually have to wait an additional month and a half or more. Even though they are overbooked to the point where no one can get an appointment, they keep accepting new clients, make no efforts to improve their scheduling system, and really only seem to care about making money.

It's been 2 years since I started wearing braces. My orthodontist told me that "we'll remove them soon," but I wasn't particularly satisfied with the alignment of my teeth, and went to another office to get a second opinion, where they told me that "it's inconceivable that they would consider taking the braces off and finishing your treatment with your teeth in this condition." It seems that this office spends no time thinking about the feelings of a patient who has their treatment concluded after spending 1.5 million Yen on treatment that leaves their teeth in a state that other orthodontists find shocking.

Furthermore, installation, maintenance, wire exchanges, and basically all other work besides the anesthesia is conducted by the hygienist (?), not my dentist. The dentist just comes in to take a look at my teeth at the end for a few minutes, and explain the status of my treatment. They also didn't explain to me at my initial counseling that the hygienist would be doing most of the work relating to my braces. If I knew that, I wouldn't have gotten my braces done at this office. The skill level of the hygienists was quite low as well. They tended to be sloppy in many ways, and many of the hygienists were just not very good. I think they also thought that I didn't notice them dropping their tools on the floor, and I believe they may have used them as they were (as in they put the tools in my mouth right after they fell on the floor).

Once I get started, my list of complaints and concerns about this place is endless. Just because a place is famous doesn't mean it's any good.

Display name:k ta

Other people said this as well, but the employees here had very cold and cruel attitudes and manners of speech. The orthodontist would make vague statements that seemed to blame the patient, some of the hygienists(?) would mumble rude-sounding things, and it makes me wonder what they think of the patients paying large sums of cash to get treatment. There were also a number of times where I tolerated unpleasant things with respect to my treatment. They once installed a bolt that cost tens of thousands of Yen that almost immediately started getting loose, and I had to endure significant pain when, due to lack of skill I assume, they kept poking me inside the mouth with the wires and took a really long time in the adjustment. Coming here causes me significant stress. Another time I came in to complain that my tooth was in pain, to which they responded that there's nothing to worry about, that this was normal with braces, but when I had the wires removed and went to another dentist, they discovered that a cavity had reached all the way to the root of my tooth, and I needed to get a root canal. It's also nearly impossible to get an appointment. For those of you about to start with braces, I would recommend that you carefully compare this place with other offices.